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SUBJECT: ISRAEL: 2004 ANNUAL TERRORISM REPORT

REF: STATE 245841

This cable has been cleared with ConGen Jerusalem.

11. (SBU) Post provides below additional information to be used in preparation of the 2004 "Patterns of Global Terrorism" report.

Bilateral and Multilateral Cooperation

12. (SBU) Israel has been among the staunchest supporters of the global war against terrorism (GWOT), and in 2004 the GOI continued to engage in numerous activities jointly with the U.S. to increase preparedness and to identify suspects. Israel is working with U.S. law enforcement agencies to purchase and install equipment to read and share biometric fingerprint information with the United States and has carried out numerous joint training exercises with U.S. security and military personnel. The GOI has also made known, both through its contacts with the United Nations Counter-Terrorism Committee (CTC) and through its bilateral relationships, its willingness to share its expertise in counter-terrorism with other countries. Israel and United States are also working on 22 joint projects in 2004 to develop improved security-related technology under the TSWG program. The USG and the GOI regularly share intelligence on terror suspects and organizations.

Major Counter-Terrorism Actions

13. (SBU) As it has been for many years, but in particular since the outbreak of the al-Aqsa Intifada in 2000, host nation law enforcement is heavily engaged in identifying and thwarting terrorist attacks. Public support for government efforts to combat domestic terrorism remain consistently high. In 2004, the GOI continued construction of the separation barrier between the West Bank and Green Line Israel, with Israeli security agencies reporting a notably lower number of terror attacks inside Israel as a result of its construction and a simultaneous improvement in coordination among security forces. Although the route of the barrier remains controversial, and has been changed in response to Israeli High Court rulings, Israeli public opinion remains strongly supportive of its construction.

14. (SBU) The IDF, the Israeli Border and National Police Forces, and Shin Bet all operate throughout Israel and the Occupied Territories to gather and coordinate intelligence, and then to physically counter prospective terrorist attacks, particularly suicide bombings inside Israel. Once intelligence indicates that a terrorist is making his way towards Israel in order to carry out an attack, Israeli police mobilize all necessary actors to track, isolate, and capture or kill the terrorist before he can strike his target. Israel also continued its policy of targeted killings of Palestinian militants. In March, helicopter gunships successfully targeted the founder and spiritual leader of Hamas, Shaykh Ahmad Yasin, as he was leaving a mosque in the Gaza Strip. The following month, Israeli helicopter gunships fired missiles that killed Yasin's successor, Abd al-Aziz al-Rantisi, while he was traveling by car in Gaza.

15. (SBU) In February 2004, the IDF and the Israeli Security Agency (Shin Bet) bypassed both GOI internal mechanisms and a GOI-Palestinian coordination mechanisms established in 2003 and raided the West Bank offices of the Arab Bank and the Cairo-Amman Bank, seizing some \$9 million in funds that the GOI claimed were destined for terrorist groups. Much of these funds originated from Hizballah, according to GOI claims. The GOI stated that it resorted to the raid only after the PA had failed to act on earlier actionable intelligence, and that Israeli law does not allow seizure of funds via correspondent bank accounts in Israel. The funds remain seized by order of an Israeli court until their disposition can be determined.

Legal and Law Enforcement Capabilities

16. (SBU) Israel has a range of laws in place that allow the GOI to combat terrorism and prosecute those accused of committing terrorist acts, including several laws regulating terrorist finance. Palestinians accused of security-related offenses are generally tried in Israeli military courts; serious offenses are tried before a three-judge panel and lesser offenses before a single judge. Occasionally, individuals accused of carrying out terrorist attacks are

tried in Israeli civil court in the jurisdiction where the attack occurred. In March 2004, Marwan Barghuti was convicted in Tel Aviv District Court, after a two-year detention and trial period, on three charges of murder involving terror attacks that took the lives of five Israelis and a fourth charge of attempted murder. Barghuti was sentenced to five consecutive life terms, plus 40 years in prison. Although Barghuti's charge sheet included alleged actions as the head of both Tanzim and the al-Aqsa Martyrs' Brigades in the West Bank and all of the terrorist acts these groups had carried out from 2000-2002, he was acquitted on 33 of the 39 charges against him because prosecutors failed to make the case that he had had a specific personal connection to them. Barghuti argued that the court lacked jurisdiction and therefore refused to rebut the specific allegations.

17. (SBU) Israeli security forces have the authority to tap phones or otherwise monitor private communication only when granted by a court order, although publicized investigations have uncovered several instances of unauthorized wire-tapping. When granted, the court order allows for the information to be used in court. The prosecution must justify closing the proceedings to the public in security cases, and the Attorney General determines the venue. Courts may hear secret evidence in security cases that is not available to the defendant or his attorney. While a conviction may not be based solely on such evidence, it reportedly may influence the judge's decision. The law prohibits the admission of forced confessions as evidence. Most confessions in security cases before Israeli courts, however, were made well before legal representation was made available to the defendant.

18. (SBU) Israeli Military Order 1507 (applicable to Palestinians in the West Bank and Gaza) permits the IDF to detain people for up to 10 days during which detainees are barred from seeing a lawyer or appearing before a court. Individual administrative detention orders can be issued for up to six-month periods and can be renewed indefinitely. Israeli Military Order 1369 (applicable to Palestinians in the West Bank and Gaza) provides for a seven-year prison term for anyone who does not respond to a special summons issued to anyone suspected of involvement in or with knowledge of security offenses. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. According to Israeli law in the occupied territories, a person's family must be notified of that person's arrest within 48 hours, although a military commander may delay that notification for up to 12 days. As of December 2004, there were some 8,152 Palestinian security detainees and an additional 930 Palestinians were held in administrative detention.

Background Information on Designated Terrorist Organizations

19. (SBU) Palestinian terrorist groups continue to focus their attention on the Palestinians' historical conflict with Israel, attacking Israel and Israeli interests within Israel and the Palestinian territories, rather than engaging in operations worldwide. In 2004, a notable increase occurred in joint operations by terrorist organizations carrying out attacks against Israel and Israelis.

10. (U) The following is background information on Designated Foreign Terrorist Groups. Embassy Tel Aviv has cleared on ConGen language for the al-Aqsa Martyrs' Brigades, the Popular Front for the Liberation of Palestine (PFLP), and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

-- Hamas: Formed in late 1987 as an outgrowth of the Palestinian branch of the Muslim Brotherhood. Various Hamas elements have used both violent and political means -- including terrorism -- to pursue the goal of establishing an Islamic Palestinian state in Israel. Hamas is loosely structured, with some elements working clandestinely and others openly through mosques and social service institutions to recruit members, raise money, organize activities, and distribute propaganda. Hamas's strength is concentrated in the Gaza Strip and the West Bank. In 2004, Hamas has been the primary initiator of Qassam rocket attacks from the Gaza Strip against Israeli targets.

-- Palestinian Islamic Jihad (PIJ): Originated among militant Palestinians in the Gaza Strip during the late 1970's. Committed to the creation of an Islamic Palestinian state and the destruction of Israel through holy war. Also opposes moderate Arab governments that it believes have been tainted by Western secularism. PIJ operates in the West Bank, Gaza and Israel; its leadership resides in Syria and Lebanon as well as other parts of the Middle East.

-- Kahane Chai/Kach: Stated goal is to restore the biblical state of Israel. Kach (founded by the late radical Israeli-American rabbi, Meir Kahane) and its offshoot Kahane Chai, which means "Kahane Lives," (founded by Meir Kahane's son Binyamin following his father's assassination in the United States) were declared terrorist organizations in March 1994 by the Israeli Cabinet under the 1948 Terrorism Law. This designation followed the groups' statement in support of Dr. Baruch Goldstein's deadly attack on Muslim worshippers in February 1994 on al-Ibrahimi Mosque -- Goldstein was affiliated with Kach -- and the group's verbal attacks on the Israeli government. Palestinian gunmen killed Binyamin Kahane and his wife in a drive-by shooting in December 2000 in the West Bank.

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